

## 7. Independent Māori Statutory Board

### 7.1 Introduction

This section focuses on Auckland Council's Independent Māori Statutory Board:

- a. The IMSB was established through the Local Government (Auckland Council) Act 2009.
- b. It promotes issues of significance for Tāmaki Makaurau mana whenua and mataawaka and ensures council compliance with statutory provisions referring to Te Tiriti o Waitangi Treaty of Waitangi.
- c. The IMSB produced the Māori Plan, a 30-year document that describes how the board will achieve improvements on issues of significance. For further information on the Māori Plan, see the What is The Māori Plan for Tāmaki Makaurau? video.

### 7.2 Relationships with Māori

- a. Mana whenua are Māori with ancestral relationships in certain areas in Tāmaki Makaurau where they exercise customary authority.
- b. Auckland Council recognises 19 mana whenua groups within Tāmaki Makaurau:
  - Ngāi Tai ki Tāmaki
  - Ngāti Manuhiri
  - Ngāti Maru
  - Ngāti Paoa
  - Ngāti Rehua
  - Ngāti Tamaoho
  - Ngāti Tamaterā
  - Ngāti Te Ata Waiohua
  - Ngāti Wai
  - Ngāti Whanaunga
  - Ngāti Whātua Ngā Rima o Kaipara

- Ngāti Whātua o Ōrākei
  - Patukirikiri
  - Waikato-Tainui
  - Te Ākitai
  - Te Ahiwaru
  - Te Kawerau a Maki
  - Te Rūnanga o Ngāti Whātua
  - Te Uri o Hau.
- c. Mataawaka are Māori living in Tāmaki Makaurau (the Auckland region) who do not form part of a mana whenua group, and whose ancestral links lie outside of Tāmaki Makaurau.

## **7.3 Functions and procedures**

### **7.3.1 Purpose, status and funding**

- a. The Local Government (Auckland Council) Act 2009 established the board whose purpose is to help Auckland Council make decisions, perform functions and exercise powers by: [1]
- promoting cultural, economic, environmental and social issues of significance for Tāmaki Makaurau mana whenua and mataawaka
  - ensuring the council acts in accordance with statutory provisions referring to Te Tiriti o Waitangi/Treaty of Waitangi.
- b. When representing the IMSB, members must act in the interests of the board's purpose and in no other interest [2]. The board members are separate from and independent of mana whenua represented on the selection panel.

#### **Status**

- a. The board is a body corporate, separate and independent from Auckland Council [3].
- b. The IMSB may choose to name itself and may change its name at any time [4]. It has currently chosen the name Independent Māori Statutory Board (IMSB).

#### **Functions**

- a. The board's general functions are to: [5]
- act in accordance with its purpose

- develop and keep up to date a schedule of issues of significance to mana whenua and mataawaka of Tāmaki Makaurau.
  - advise Auckland Council on matters affecting Tāmaki Makaurau mana whenua and mataawaka
  - work with the council on the design and execution of documents and processes to implement the council's statutory responsibilities towards Tāmaki Makaurau mana whenua and mataawaka.
- b. The board and the council are required to meet at least four times each financial year to discuss their respective performances [6].
- c. The council must meet the reasonable costs of the IMSB's operations, the secretariat, the establishment of committees and seeking and obtaining advice. This is done by the council and the IMSB agreeing a funding agreement annually [7].

### **7.3.2 Appointments to council committees**

- a. The board is required to appoint a maximum of two members to each council committee dealing with the management and stewardship of natural and physical resources, and has voting rights on these committees [1]. The council may also invite the board to make appointments to other committees [2].
- b. The board must seek the council's views on appointees' skills and experience and take those views into account when making appointments [3].
- c. Appointments are at the board's discretion. It also has the ability to replace a member appointed to a committee at any time.

### **7.3.3 Key programmes**

#### **a. Schedule of Issues of Significance**

- The Independent Māori Statutory Board must create a Schedule of Issues of Significance [1].
- This schedule reflects issues for Māori within Auckland Council's jurisdictional boundary.

#### **b. The Māori Plan**

- The Schedule of Issues of Significance includes the Māori Plan. This plan looks at the cultural, social, economic and environmental wellbeing of Māori communities. It is a 30-year plan based on Māori values and outcomes and includes the activity or action-based plans in each of the four wellbeing domains, derived from the aspirations of Tāmaki Māori.

### c. **Treaty of Waitangi audit**

- To fulfil its purpose of ensuring the council acts in accordance with statutory provisions relating to Te Tiriti/the Treaty [2], the IMSB undertakes an audit of the council's performance. The Te Tiriti o Waitangi Audit is carried out every three years. For the latest version and further information on the audit programme, see Te Tiriti o Waitangi Audit found on the IMSB website.
- In response to the findings, the council develops a Te Tiriti o Waitangi Audit Response Programme that is approved for action by council committee. The Waharoa group is a joint steering group of IMSB and council staff, which provides oversight of the programme's delivery. Tiriti/Treaty audit projects must be presented to the Waharoa for sign-off before they are reported to council committee.

#### **7.3.4 Membership selection**

- a. The IMSB has 9 members composed of two mataawaka representatives and seven mana whenua representatives [1]. A term of office is three years [2].
- b. The members of the IMSB are appointed by a selection body. The Minister of Māori Affairs invites mana whenua groups to appoint representatives to the selection body [3]. This body meets several times to select the nine board members. If the selection panel is unable to appoint the members of the board, the Minister of Māori Affairs must appoint the members [4].
- c. Mana whenua board members are nominated by the iwi they represent. Each iwi has its own method of making nominations to the board.
- d. Recommendations for mataawaka representatives are presented to a selection panel of mana whenua in Auckland.
- e. The selection body makes appointments to the board and provides certificate of appointments to the Minister for Māori Development and to Auckland Council.

#### **7.3.5 Meeting procedures**

- a. The board must meet at least 6 times a year and may hold as many more meetings as are necessary to carry out its purpose [1]. Meetings are open to the public except where confidential items are being considered. Meetings are publically notified.
- b. The Local Government Official Information and Meetings Act 1987 applies to meetings of the IMSB.

- c. The IMSB is supported by a secretariat, which prepares and submits reports to the board, introduces council reports and information and works with officers on their documents and processes.

### **7.3.6 Co-governance and co-management**

- a. The IMSB does not have any role in co-governance or co-management arrangements with the council. IMSB members may also be mana whenua representatives on council co-governance and co-management bodies, but would represent their iwi or hapu interests, which are distinct from the interests they represent as members of the IMSB.

## **7.4 Footnotes**

### **7.3.1 Purpose, status and funding**

- [1] Local Government (Auckland Council) Act 2009, s 81.
- [2] Local Government (Auckland Council) Act 2009, s 82(4).
- [3] Local Government (Auckland Council) Act 2009, s 82(1).
- [4] Local Government (Auckland Council) Act 2009, s 83.
- [5] Local Government (Auckland Council) Act 2009, s 84(2).
- [6] Local Government (Auckland Council) Act 2009, s 84(1).
- [7] Local Government (Auckland Council) Act 2009, s 20.

### **7.3.2 Appointments to council committees**

- [1] Local Government (Auckland Council) Act 2009, s 85(1).
- [2] Local Government (Auckland Council) Act 2009, s 85(2).
- [3] Local Government (Auckland Council) Act 2009, s 85(3).

### **7.3.3 Key Programmes**

- [1] Local Government (Auckland Council) Act 2009, s 81(b).
- [2] Local Government (Auckland Council) Act 2009, s 84(1)(b).

### **7.3.4 Membership Selection**

- [1] Local Government (Auckland Council) Act 2009, Schedule 2, cl 1.
- [2] Local Government (Auckland Council) Act 2009, Schedule 2, cl 9(1).
- [3] Local Government (Auckland Council) Act 2009, Schedule 2, cls 2 and 4.
- [4] Local Government (Auckland Council) Act 2009, s 2(6).

### **7.3.5 Meeting Procedures**

[1] Local Government (Auckland Council) Act 2009, Schedule 2, cl 13.

#### **Key Documents**

**Appointment and Remuneration Policy for Boards Members of Council Organisation**

**Civil Defence Emergency Management Act 2002**

**Code of Conduct**

**Code of conduct for elected members**

**Interpretation Act 1999**

**Ngāti Whātua Orākei Claims Settlement Act 2012**

**Ngāti Whātua o Kaipara Claims Settlement Act 2013**

**Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008**

**Local Boards Standing Orders**

**Local Electoral Act 2001**

**Local Government Act 2002**

**Local Government (Rating) Act 2002**

**Local Government (Auckland Council) Act 2009**

**Local Government Official Information and Meetings Act 1987**

**Public Audit Act 2001**

**Standing Orders**